

COMMISSIONERS  
KRISTIN K. MAYES - Chair  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP

OPEN MEETING ITEM  
**ORIGINAL**



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ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION  
DOCKET CONTROL

DATE: NOVEMBER 2, 2010

DOCKET NO.: T-03425A-10-0333

TO ALL PARTIES:

Enclosed please find the recommendation of Administrative Law Judge Yvette B. Kinsey. The recommendation has been filed in the form of an Order on:

RODNEY HAHN dba TON SERVICES  
(CANCEL CC&N)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and thirteen (13) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00** p.m. on or before:

NOVEMBER 12, 2010

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Open Meeting to be held on:

NOVEMBER 22, 2010 and NOVEMBER 23, 2010

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250. For information about the Open Meeting, contact the Executive Director's Office at (602) 542-3931.

Arizona Corporation Commission

**DOCKETED**

NOV - 2 2010

DOCKETED BY	<i>[Signature]</i>
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*[Signature]*  
ERNEST G. JOHNSON  
EXECUTIVE DIRECTOR

1200 WEST WASHINGTON STREET, PHOENIX, ARIZONA 85007-2927 / 400 WEST CONGRESS STREET, TUCSON, ARIZONA 85701-1347  
[www.azcc.gov](http://www.azcc.gov)

This document is available in alternative formats by contacting Shaylin Bernal, ADA Coordinator, voice phone number 602-542-3931, E-mail [SABernal@azcc.gov](mailto:SABernal@azcc.gov)

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 KRISTIN K. MAYES - Chairman  
4 GARY PIERCE  
5 PAUL NEWMAN  
6 SANDRA D. KENNEDY  
7 BOB STUMP

8 IN THE MATTER OF THE APPLICATION OF  
9 RODNEY HAHN DBA TON SERVICES FOR THE  
10 CANCELLATION OF THE CERTIFICATE OF  
11 CONVENIENCE AND NECESSITY TO PROVIDE  
12 CUSTOMER-OWNED PAY TELEPHONE  
13 SERVICE IN THE STATE OF ARIZONA.

DOCKET NO. T-03425A-10-0333

DECISION NO. \_\_\_\_\_

**ORDER**

14 Open Meeting  
15 November 22 and 23, 2010  
16 Phoenix, Arizona

17 **BY THE COMMISSION:**

18 Having considered the entire record herein and being fully advised in the premises, the  
19 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

20 **FINDINGS OF FACT**

21 1. In Commission Decision No. 60404 (September 26, 1997), the Arizona Corporation  
22 Commission ("Commission") granted Rodney Hahn dba Ton Services ("Ton") a Certificate of  
23 Convenience and Necessity ("CC&N") to provide customer owned pay telephone ("COPT") services  
24 in Arizona.

25 2. On August 6, 2010, Ton filed an application with the Commission to cancel its CC&N  
26 to provide COPT services in Arizona. The application filed by Mr. Gary Barlow, chief financial  
27 officer for Ton states Mr. Barlow is authorized to file the application on behalf of Ton and that Ton is  
28 no longer providing or has never provided COPT service in Arizona. In addition, the application  
states that Ton waives its right to notice and a hearing in this matter.

3. On August 26, 2010, the Commission's Utilities Division Staff ("Staff") filed a  
memorandum in response to Ton's application to cancel its CC&N. According to Staff, Ton is in  
compliance with the Commission; no complaints, opinions, or inquiries have been filed against Ton; and

1 Ton is in good standing with the Commission's Corporations Division. Based on the above  
2 information, Staff recommends that the Commission cancel Ton's CC&N to provide COPT services  
3 in Arizona.

4 4. Staff's recommendation is reasonable and should be adopted.

5 **CONCLUSIONS OF LAW**

6 1. Ton is a public service corporation within the meaning of Article XV of the Arizona  
7 Constitution and A.R.S. §§ 40-281 and 40-282.

8 2. The Commission has jurisdiction over Ton and the subject matter of the Application.

9 3. The cancellation of Ton's CC&N to provide customer owned pay telephone services  
10 in Arizona is in the public interest.

11 4. Pursuant to A.R.S. § 40-282, the Commission may issue Decisions regarding COPT  
12 Certificates without a hearing.

13 5. Staff's recommendation is reasonable and should be adopted.

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**ORDER**

IT IS THEREFORE ORDERED that Rodney Hahn dba Ton Services' Certificate of Convenience and Necessity, granted in Commission Decision No. 60404 (September 26, 1997), to provide customer owned pay telephone service in Arizona, is hereby cancelled.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, ERNEST G. JOHNSON, Executive Director of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ERNEST G. JOHNSON  
EXECUTIVE DIRECTOR

DISSENT \_\_\_\_\_

DISSENT \_\_\_\_\_

1 SERVICE LIST FOR: RODNEY HAHN dba TON SERVICES

2 DOCKET NO.: T-03425A-10-0333

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4 Gary Barlow  
5 TON SERVICES, INC.  
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